

### REMARKS

The remarks and the accompanying amendments are responsive to the Office Action mailed July 22, 2004 (hereinafter referred to as "the Office Action"), having a shortened statutory period for response that expired October 22, 2004. A petition and fee for a three-month extension of time extending the period for reply until January 24, 2005 accompanies this response. Claims 1 and 2 were the only claims pending at the time of the last examination. By this response, Claims 1 and 2 are amended, and new Claims 3 through 6 are added. Accordingly, upon entry of this amendment, Claims 1 through 6 (Claims 1 and 4 being independent) will be pending for further consideration.

Sections 1 and 2 of the Office Action reject Claim 2 under 35 U.S.C. 112, second paragraph due to an antecedent basis issue. Claims 1 and 2 are amended to correct the antecedent basis issue.

Sections 3 and 4 of the Office Action reject Claims 1 and 2 under 35 U.S.C. 102(e) as being anticipated by United States patent number 6,011,787 issued to Nakano et al. (hereinafter referred to as "Nakano"). The undersigned respectfully traverses and requests reconsideration.

As recited in Claim 1 (as amended), the base station "makes long code phases different between the plurality of sectors" and "makes frame transmission timings different between the plurality of sectors" when "spreading the generated signal by using a long code". A long code phase and a frame transmission timing in each sector may be determined, for example, based on an offset value of the sector (e.g., see  $T_{\text{SECT}}$  described in section 4.1.3 (page 51) of the specification).

The Office Action asserts that Nakano discloses that frame transmission timings are made different between a plurality of sectors by referring to delay circuits 14a through 14c and column

16, lines 60-61 of Nakano. However, Nakano does not disclose that long code phases are made different between a plurality of sectors. Accordingly, Claim 1 (as amended) is not anticipated by Nakano. Claim 2 depends from Claim 1 and thus is not anticipated by Nakano for at least the reasons provided for Claim 1. Therefore, withdrawal of the 35 U.S.C. 102(e) rejection of Claims 1 and 2 is respectfully requested.

New claims 3-6 are added. Claim 3 depends from Claim 1, and is thus not anticipated by Nakano for at least the reasons provided for Claim 1. Claim 4 recites similar features as does Claim 1, and is thus not anticipated by Nakano for at least the reasons provided for Claim 1. Claims 5 and 6 depend from Claim 4, and are thus not anticipated by Nakano for at least the reasons that Claim 4 is not anticipated.

Therefore, favorable action is respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 30<sup>th</sup> day of December, 2004.

Respectfully submitted,



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